THE BOMBAY BHAGDARI AND NARWADARI TENURES ABOLITION ACT, 1949.

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BOMBAY ACT No. XXXII OF 1949.[1]

[THE BOMBAY BHAGDARI AND NARWADARI TENURES ABOLITION ACT, 1949.]

[*23rd June 1949.*]

An Act to abolish the Bhagdari and Narwadari tenures in the Province of Bombay.

WHEREAS it is expedient to abolish the Bhagdari and Narwadari tenures which prevail in certain parts of the Province of Bombay and to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may by notification in the *Official Gazette* specify.

Abolition of Bhagdari and Narwadari tenures.

2. With effect from and on the date on which this Act comes into force,—

(*1*) the Bhagdari and Narwadari tenures shall, wherever they prevail, be deemed to have been abolished;

(*2*) all the incidents of the said tenures attaching to any land held on such tenures shall be deemed to have been extinguished;

Bom. V of 1862.

(*3*) any declaration made by the Provincial Government under section 6 of the Bhagdari and Narwadari Act, 1862, shall be deemed to have been cancelled.

Holder of land forming part of bhag, narwa or recognised sub-division and persons in lawful possession of majmun to be deemed to be occupants.

3. (*i*) Every holder of any land forming part of a bhag, narwa or share in a bhagdari or narwadari village or any homestead, building site (gabhan) or premises appurtenant or appendant to any such bhag, narwa or share or a recognised sub-division of a bhag, narwa or share, and

(*ii*) every person lawfully in possession of any land forming part of a gam or pati majmun in a bhagdari or narwadari village,

immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Bombay Land Revenue Code, 1879, in respect of such land in his possession and shall be primarily liable to the Provincial Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the said Code or any other law for the time being in force.

Bom. V of 1879.

All other majmun land and other property to be property of the Crown.

4. For the removal of doubt, it is hereby declared that all land forming part of a gam or pati majmun in a bhagdari or narwadari village other than the land referred to in clause (*ii*) of section 3, all waste and uncultivated land and all other kinds of property referred to in section 37 of the Bombay Land Revenue Code, 1879, situated in a bhagdari or narwadari village, which are not the property of

Bom. V of 1879.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1949, Part V, page 139.

any individual or of any aggregate of persons capable of holding property, and except in so far as any rights of such persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the Crown, and it shall be lawful to dispose of or set apart the same for the authority in the manner and for ths purpose provided in section 37 or 38 of the Bombay Land Revenue Code, 1879, as the case may be. Bom. V of 1879.

Alienation so far made not to be invalid.

5. Any alienation, assignment, mortgage of, or any charge or incumbrance on, any bhag, narwa or share in any bhagdari or narwadari village other than a recognised sub-division of such bhag, narwa or share or any homestead, building site (gabhan) or premises appurtenant or appendant to any such bhag, narwa or share made or created before the coming into force of this Act in contravention of the provisions of section 3 of the Bhagdari and Narwadari Act, 1862, shall not be or ever to have been deemed to be invalid merely on the ground that it was made or created in contravention of the said section : Bom. V of 1862.

Provided that the Collector or the other revenue officer has not made an order removing the person in whose favour such alienation, assignment, mortgage, charge or incumbrance was made or created from the possession of such land, and such order has not been set aside by a competent court before the coming into force of this Act.

Custom of female heirs excluded by male heirs void.

6. Any custom, usage or practice relating to the succession to any bhag, narwa or a bhagdari or narwadari village or any homestead, building site (gabhan) or premises appurtenant or appendant to such bhag, narwa or village whereby contrary to the personal law governing the parties, the female heirs were excluded absolutely or in favour of more distant male heirs, shall, to the extent of repugnancy, be deemed to be void and of no effect from and after the date on which this Act comes into force.

Saving of recognised alienation.

7. Nothing in section 3 of the Exemptions from the Land Revenue(No.2)Act,1863, shall affect the rights of any person in respect of any land in a Bhagdari or Narwadari village, the alienation of which land in favour of such person may have been recognised under the provisions of a special contract with the Crown or any law for the time being in force. Bom. VII of 1863.

Method of compensation for the extinguishment or modification of any rights in land.

8. (*1*) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of land or any right in or over such land, such person may apply to the Collector for compensation.

(*2*) Such application shall be made in a prescribed form and shall be made within six months from the date on which this Act comes into force.

(*3*) The Collector shall, after holding a formal inquiry in the manner provided by the Bombay Land Revenue Code, 1879, award such compensation as he deems reasonable, and adequate. In deciding the amount of the compensation the Collector shall be guided by the provisions of sub-section (*1*) of sections 23 and 24 of the Land Acquisition Act, 1894. Subject to the provisions of sub-section (*4*), the award of the Collector shall be final. Bom. V of 1879. I of 1894.

(*4*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

Repeal.

9. The Bhagdari and Narwadari Act, 1862, and section 117 of the Bombay Land Revenue Code, 1879, are hereby repealed. The repeal of the said enactments and the provision declaring any incident of the Bhagdari and Narwadari tenures to have been extinguished shall not affect,—

Bom. V of 1862. Bom. V of 1879.

(*a*) any right, title, interest, obligation or liability already acquired, accrued, or incurred before the date on which this Act comes into force ;

(*b*) any legal proceeding, or remedy in respect of any such right, title, interest, obligation or liability or anything done or suffered to be done before such date.

Rules.

10. The Provincial Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall when finally made be published in the *Official Gazette*.

Interpretation.

11. The words and expressions used in this Act shall have the meanings assigned to them in the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

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CORRIGENDA TO BOMBAY CODE, VOLUME II.

Page 1439, in section 6(1), in line 1, *for* " the admission " *read* " admission ".
Page 1455, in footnote 6, *for* " *ibid* " *read* " by the Adaptation of Indian Laws Order in Council ".
Page 1463, in section 35(4), in line 5, *for* " members " *read* " member ".
Page 1471, in section 41(2), in line 1, *for* " propositions" *read* " proposition ".
Page 1473, in footnote 4, *for* " *ibid* " *read* " by Bom. 14 of 1934 ".
Page 1476, in section 53, in line 2, *for* " tentable " *read* " tenantable ".
Page 1477, in section 54(*b*), in line 3, *for* " puposes " *read* " purposes ".
Page 1478, in section 57 (*e*), in line 4, *read* the words beginning with " shall on conviction " and ending with " after conviction " as a separate sub-paragraph.
Page 1478, in section 59(1), in line 3, *for* " with reasons " *read* " with the reasons ".
Page 1483, in section 71, in line 5, *for* " he damage " *read* " the damage ".
Page 1485, in section 75(*n*), in second proviso, in line 1, *for* " in local board " *read* " in a local board ".
Page 1488, in section 86(2), in line 1, *for* " or on " *read* " on or ".
Page 1492, in section 99(*b*), *read* the words beginning with " impose " and ending with "Province " as a separate sub-paragraph.
Page 1498, in section 114, in line 7, *for* " due from " *read* " due for ".
Page 1500, in section 116A, in line 4, *for* " direct than " *read* " direct that ".
Page 1516, in section 2, in line 4, *for* " enclosed or " *read* " enclosed ".
Page 1519, in section 3D(4), in line 3, *for* " tenancy to " *read* " tenancy to, with,".
Page 1547, in section 3(*a*), in line 2, *for* " by-law " *read* " by-laws ".
Page 1549, in section 7(1), in line 4, *for* " member " *read* " members ".
Page 1549, in section 7(2), in line 1, *for* " on the name " *read* " in the name ".
Page 1554, in section 24(1) (*a*), in line 6, *for* " supplies to or purchase by " *read* " supplied to or purchased by ".
Page 1556, in section 33A, in line 3, *for* " principal debentures " *read* " principal of debentures ".
Page 1573, in section 64L(2), in line 2, *for* " the thirty days " *read* " thirty days ".
Page 1579, in section 72B, in line 3, *for* " shall be deemed " *read* " shall not be deemed ".
Page 1633, in section 61(1) (*n*), in line 6, *for* " storage or goods " *read* " storage of animals or goods ".
Page 1634, in line 24, *for* " (3) " *read* " (*z*) ".
Page 1636, in section 63(2), in line 5, *for* " it is " *read* "it ".
Page 1637, in section 64(3) (*c*), in line, 2 *for* " has been " *read* " has been given ".
Page 1643, in section 73, in proviso (*b*) (*ii*), in line 1, *for* " person " *read* " persons ".
Page 1645, in section 77A(3) in line 5, *for* " increased " *read* " so increased ".
Page 1648, in section 83(1), in line 2, *for* " rate or " *read* " rate on ".
Page 1649, in section 86(4) in line 7, *for* " tenants " *read* " enant ".
Page 1650, in section 90(2), in line 4, *for* "other penalty or liabi ity " *read* " liability ".
Page 1651, in section 91(1) (*a*), in line 2, *for* " an alterations " *read* " and alterations ".
Page 1663, in section 123(5) (*a*) (*ii*), in line 1, *for* " provisionsal " *read* "provisional ".
Page 1665, in section 124 (1) (*b*) (*ii*), in line 2, *for* " expected " *read* " executed ".
Page 1669, in section 134(1), in line 8, *for* " pivide " *read* " provide ".
Page 1671, in section 143(1), in line 5, *for* " tht " *read* " the ".
Page 1671, in section 143 (1), in line 6, *for* " whicheroofs " *read* " which roofs ".

Page 1723, in section 4A, in line 4, and in footnote 2, *for* "Central Government" *read* "Provincial Government", and in footnote 2 *after* "Council" *read* "read with the Adaptation of Indian Laws (Amendment) Order, 1940.

Page 1724, in section 9(1), *for* the words beginning with "The Chancellor" and ending with "in thi behalf" *read* "[The Governor of Bombay for the time being shall be the Chancellor of the University]".

Page 1724, in section 12(2), in line 2, *for* "Central" *read* "Provincial".

Page 1724, *for* footnote 1 *read* the following:—

"1 This portion was restored by the Adaptation of Indian Laws (Amendment) Order, 1940."

Page 1724, in footnote 2, *for* "*ibid*" *read* "by the Adaptation of Indian Laws Order in Council and for the word "Central" the word "Provincial" was substituted" by the Adaptation of Indian Laws (Amendment) Order, 1940."

Page 1727, in section 17, in lines 1 and 6 and in footnote 2, *for* "Central" *read* "Provincial" and in footnote 2, *after* "Council" *read* "read with the Adaptation of Indian Laws (Amendment) Order, 1940."

Page 1733, in section 32(3), in line 2 and in footnote 2, *for* "Central" *read* "Provincial", and in footnote 2, *after* "*ibid*" *read* "read with the Adaptation of Indian Laws (Amendment) Order, 1940."

Page 1737, in lines 2 and 5 and the last line and in footnote 1, *for* "Central" *read* "Provincial", and in footnote 1, *after* "Council" *read* "read with the Adaptation of Indian Laws Amendment) Order, 1940."

Page 1738, in section 44(1), in line 5, in section 44(2), in lines 2 and 3, and in section 44(5), in line 3, and in footnote 1, *for* "Central" *read* "Provincial" and in footnote 1, *after* "Council" *read* "read with the Adaptation of Indian Laws (Amendment) Order, 1940."

Page 1774, in section 6 (1) (*b*), in line 3, *for* "directly" *read* "directly or".

Page 1777, in section 13 (1) (*a*), in line 3, *for* "roper" *read* "proper".

Page 1786, in section 4 (*a*), in line 1, *for* "licence" *read* "licensee".

Page 1786, in section 4 (*c*), in line 1, *for* "licence" *read* "licensee".

Page 1795, in column under heading "Proper fee" in serial numbers 16 and 17 *for* "135" and "139" *read* "125" and "130", respectively.

Page 1829, in section 12 (1), in line 1, *for* "contacts" *read* "contracts".

Page 1839, in section 13, in line 1, *delete* "[2][Denomination]" and *read* "[2][Denomination]" as marginal note.

Page 1883, in section 36, in line 1, *for* "(3)" *read* "(1)".

Page 1883, in section 36, in the marginal note *for* "residence" *read* "residents".

Page 1889, in section 45 (1) (*c*), in line 2, *for* "Rs. 10" *read* "[1][Rs. 20]".

Page 1923, in section 2, in line 3, *for* "owner" *read* "own".

Page 1929, in section 2(*a*), *for* "Presidency of Bombay, Bombay" *read* "Presidency of Bombay".

Page 1930, in section 6, in line 2, *for* "be general" *read* "by general".

Page 1963, in section 6E(2), in line 2, *for* "may occurred" *read* "may have occurred".

Page 1963, in section 6E(3), in line 6, *for* "along with statement" *read* "along with the statement".

Page 1968, in section 13, in new section 10A(2), in line 2, *for* " sub-section (1) ": *read* " under sub-section (1) ".

Page 1985, in section 27(4), proviso, in line 4, *for* " reclare " *read* " declare " and in line 5, *for* " ules " *read* " rules ".

Page 2121, in section 3 (*a*), in line 1, *for* " Inspectors of Lifts " *read* " Inspector of Lifts".

Page 2129, in section 10, in line 1, *for* " order " *read* " orders ".

Page 2150, in section 15 (3), in line 1, *for* " shall raised " *read* " shall be raised ".

Page 2153, in section 26 (2) (*c*), in line 1, *for* " vice-chairmen " *read* " vice-chairman ".

Page 2153, in section 26 (2) (*c*), in line 2, *for* " this " *read* " their ".

Page 2153, in section 26 (2) (*g*), in line 2, *for* " istruments " *read* " instruments ".

Page 2154, in section 26 (2) (*o*), in line 3, *for* " esimates " *read* " estimates ".

Page 2162, in section 5 (1), in line 3, *for* " delaration " *read* " declaration ".

Page 2168, in section 2 (7), in line 1, *for* " land improvement scheme " *read* " a land improvement scheme ".

Page 2169, in footnote 3, *for* " 34 " *read* " s. 4 ".

Page 2179, in the preamble, in line 3, *for* " grow " *read* " grown ".

Page 2179, in section 1 (2), in line 1, *for* " extens " *read* " extends ".

Page 2181, in section 4 (1) (*b*), in lines 6 and 7, *for* " five hundred rupees for every subsequent rupees for the first offence and to one thousand offence " *read* " five hundred rupees for the first offence and to one thousand rupees for every subsequent offence ".

Page 2205, in the footnote, *for* " *ibid.* s. 5 " *read* " by Bom. 16 of 1944, s. 5, *read* with Bom. 2 of 1948, s. 2 ".

Page 2205, in section 10-A (4), in line 2, for " annual " *read* " annul ".

Page 2205, in section 10-A (5), in line 1, *for* " conideration " *read* " consideration ".

Page 2205, in section 10-A(7), in line 3, *for* " orered " *read* " ordered ".

Page 2205, in section 11 (1), in line 1, *for* " sections " *read* " section ".

Page 2206, in section 11 (2), in line 3, *for* " diposed " *read* " disposed ".

Page 2206, in section 13 (1), in line 1, *for* " be " *read* " by ".

Page 2207, in Schedule I, *for* " 12 Lang " *read* " 12 [1]* ".

Page 2207, in Schedule I, at the end, *read* entry " [2] [Sweet potato (with reference to the holdings of sugar factories)] ".

Page 2207, in Schedule II, *for* " 1 Cotton " *read* " 1 [3]* ".

Page 2207, insert the following foo notes :—

" 1 This entry was omitted by G.N., R.C.D. No. 7133/39, dated 8th June 1946.

2. This entry was added by G.N., A and F. D. No. 847-C, dated 20th July 1949.

3. This entry was omitted by G.N., A and R.D.D. No. 847-C, dated 30th May 1949. ".

Page 2213, *for* the numbers of sections (1) to (7) *read* 1 to 7, respectively.

Page 2214, in section 9, in line 1, for " reconstructon " *read* " reconstruction ".

Page 2214, in section 9, second proviso, in line 4, *for* " avilable " *read* " available ".

Page 2245, in section 22, in line 2, *for* " release " *read* " release ".

Page 2257, in section 8, proviso, in line 2 *for* " sub-sections " *read* " sub-section ".

Page 2264, in section 22A, in line 1, *for* " Im " *read* " Im ".

Page 2293, against section 12, *read* " Service of orders or directions ", as marginal note.

Page 2304 in Schedule I, Item 17, *for* " Asbesto " *read* " Asbestos ".

Page 2352, in section 4, in line 3, *for* " as the " *read* " as to ".

Page 2353, in section 8, in line 5, *for* " imprinsonment " *read* " imprisonment ".

Page 2353, in section 9, in line 1, *for* " Code nf " *read* " Code of ".
Page 2362, in section 3(13) (*b*), in line 3, *for* " before or alter " *read* " before or after ".
Page 2340, in section 9, in line 7, *for* " corresive " *read* " corrosive ".
Page 2424, in section 8, in line 5 *for* " not not " *read* " not ".
Page 2425, in section 13, in the marginal note, *for* " an " *read* " and ".
Page 2449, in section 38(3)(*ii*), in line 4, *for* " fo " *read* " of ".
Page 2467, in section 25(2), in line 3, *for* " he maximum " *read* " the maximum ".
Page 2468, in section 29, in proviso (*i*), in line 3, *for* " the claim " *read* " they claim ".
Page 2539, in section 39, proviso, in line 2, *for* " take " *read* " shall take ".
Page 2572, in section 36(2), in line 1, *for* " offene " *read* " offence ".
Page 2651, in section 1(2), *for* " extend to " *read* " extends to ".
Page 2651, in section 2(*i*), *Explanation*, in line 1, *for* " window " *read* " windows ".
Page 2651, in section 2(*v*), in line 2, *for* " part a building " *read* " part of a building ".
Page 2651, in section 3, in line 2, for " Bildings " *read* " Buildings ".
Page 2665, in line 32, *for* " 9 " *read* " 7 ".
Page 2697, in section 5, in clause (*a*) of *Explanation*, *for* "text" *read* "text-book".
Page 2713, in new section 12A(1), in line 7 *for* " resister " *read* " register ".
Page 2718, in section 4(1)(*b*), in line 2, *for* " he " *read* " be ".
Page 2720, in section 6(2)(*d*), in line 3, *for* " in restricted " *read* " is restricted ".
Page 2723, in section 18, proviso, in line 5, *for* " ground " *read* " grounds ".
Page 2800, in the heading to Chapter IV, *for* " Disposal " *read* " Disposal of ".
Page 2804, in section 57(2), in line 2, *for* " scarce " *read* " source ".
Page 2805, in section 63(*e*), *for* " line " *read* " lines ".
Page 2823, in section 48(1); proviso, in line 1, *for* " offences " *read* " offence ".
Page 2824, in section 56(1), in line 3, *for* " cause " *read* " causes ".
Page 2826, in section 68(2), in line 1, *for* " found " *read* " found to ".
Page 2828, in section 79(2) in line 2, *for* " proceeding " *read* " proceedings ".
Page 2844, in section 11(1), *for* " It is " *read* " It ".
Page 2860, in line 1, *for* " buttoes " *read* " but does " and in line 2 *for* " d theare " *read* " theatre ".
Page 2870, in section 46(2), in line 1, *for* " are so paid " *read* " are not so paid ".
Page 2870, in section 49(*b*), in line 2, *for* " person " *read* " persons ".
Page 2888, in section 21, in line 4 *for* " by order anything " *read* " by order do anything ".
Page 2893, in the Schedule, for " Boines " *read* " Bovines".
Page 2899, in section 9(2), in line 3, *for* " rcords " *read* " records ", and in line 4 *for* " for informing " *read* " or of informing ".
Page 2908, in section 7, in line 2, *for* " Court " *read* " Court of ".
Page 2953, in section 67, in line 3, *for* "previsous " *read* "previous".
Page 2967, in section 22(*a*), in line 1, *for* " who " *read* " who was ".
Page 2982, in section 34(2)(*iv*), in line 1, *for* " sell " *read* " sell any ".
Page 2991, in section 74, in line 1, *for* " 5 " *read* " (3) ".
Page 3008, in section 139(*l*), in line 2, *for* " auction " *read* " auctions ".
Page 3024, in line 7, *for* " of determined " *read* " so determined ".
Page 3026, in line 6, *for* " 1949 " *read* " 1948 ".

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